



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,755	10/09/2001	Kentaro Toyama	MCS-038-01	7973
27662	7590	01/11/2006	EXAMINER	
MICROSOFT CORPORATION C/O LYON & HARR, LLP 300 ESPLANADE DRIVE SUITE 800 OXNARD, CA 93036			VILLECCO, JOHN M	
			ART UNIT	PAPER NUMBER
			2612	
DATE MAILED: 01/11/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/682,755	Applicant(s) TOYAMA ET AL.	
	Examiner John M. Villecco	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18 and 41-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 and 18 is/are allowed.
- 6) ☒ Claim(s) 41-44 is/are rejected.
- 7) ☒ Claim(s) 45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

By

DETAILED ACTION

Response to Amendment

1. Applicant has overcome the objection to the specification and the drawings from the previous office action dated July 14, 2005. Additionally, applicant has overcome the 112, 2nd paragraph rejection from the same office action.
2. Regarding independent claims 1 and 41, applicant has added subject matter that was indicated as being allowable in the previous office action. However, new prior art has been brought to the attention of the examiner which appears to be able to be read on the claimed invention as claimed in claim 41. Since applicant has added additional subject which the examiner has not indicated as being allowable (examiner indicated claim 45 as being allowable), this rejection is new based on the applicant's amendment and this action is final based on the applicant's amendment.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Svendsen et al. (U.S. Patent No. 6,757,684) in view of Eintracht et al. (U.S. Patent No. 6,687,878).**

5. Regarding *claim 41*, Svendsen discloses a network-based photosharing system capable of peer-to-peer image transfer through a central site. More specifically, Svendsen discloses a method of sharing images over a network. The system includes a hosting client (peer node, 16) which receives images from a camera or the like (col. 3, line 38). Although Svendsen does not explicitly disclose inputting images to the peer node, it is inherent that the images captured by the camera would be inputted to the peer node in some manner. Additionally, Svendsen discloses that the user can annotate the images with metadata at the peer node (col. 3, lines 34-37). Clearly, all of the images stored on the peer node would comprise a local index and a local database of images. Furthermore, information on each of the images stored at the peer node is transferred by the peer daemon (34) to the peer server (14). See column 8, lines 7-59. In this manner the local images stored on the peer node (16) are synchronized with the master index stored on the peer server (14).

Svendsen, however, fails to specifically disclose the ability to locate the same image in other locations, extracting all annotation data in the other locations, and annotating the image with annotation data extracted from the image in the other location. Eintracht on the other hand, discloses that it is well known in the art to annotate an image with data of a same image in a different location. More specifically, Eintracht teaches the ability to synchronize an image with a same image data located in a note server – the note server being updated according to other remote users image for that particular image. See the abstract. As shown in Figure 3, Eintracht discloses a document file server (62) for storing images and a notes database (60) for storing notes associated with each image. Each client (42) is capable of synchronizing with the notes server (58) so that the notes being displayed with the image at the web browser (42) is up-to-

Art Unit: 2612

date. Therefore, it would have been obvious to annotate the image with metadata associated with the same image stored in the server so that the notes for any particular image stored in a server structure are up-to-date.

6. Regarding *claim 42*, Svendsen discloses annotating the image data with a private user vocabulary. This feature is interpreted to be annotating the image with any and all user annotations.

7. **Claims 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Svendsen et al. (U.S. Patent No. 6,757,684) in view of Eintracht et al. (U.S. Patent No. 6,687,878) and further in view of Narayanaswami et al. (U.S. Patent No. 6,504,571).**

8. Regarding *claim 43*, as mentioned above in the discussion of claim 42, Svendsen and Eintracht disclose all of the limitations of the parent claim. However, the aforementioned references fail to specifically disclose that the process of annotating the image with a location is comprised of at least one of the options recited in the claim. More specifically, Narayanaswami discloses that the camera (100) includes a GPS receiver (114) for determining a location and a time when the image was taken. See column 5, lines 45-65. The GPS sends the geographic position as well as the Universal Time Coordinated (UTC) time and date and a local time and date to the camera for recording. By including a location at which the image is captured, the user is provided with more information when reproducing the image in order to give the image context. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to annotate the image with a location provided by the GPS system so that the user is given more information about the context of the captured image.

Art Unit: 2612

9. As for *claim 44*, as mentioned above in the discussion of claim 42, Svendsen and Eintracht disclose all of the limitations of the parent claim. However, the aforementioned references fail to specifically disclose that the process of annotating the image with an imputed location is comprised of at least one of the options recited in the claim. Narayanaswami, on the other hand, discloses that it is well known in the art to associate a time with a captured image. More specifically, Narayanaswami discloses that the camera (100) includes a GPS receiver (114) for determining a location and a time when the image was taken. See column 5, lines 45-65. The GPS sends the geographic position as well as the Universal Time Coordinated (UTC) time and date and a local time and date to the camera for recording. By including a location and time at which the image is captured, the user is provided with more information when reproducing the image in order to give the image context. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to annotate the image with a location and time provided by the GPS system so that the user is given more information about the context of the captured image.

Allowable Subject Matter

10. Claim 45 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 45, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest that the process action of annotating the image

Art Unit: 2612

with metadata associated with the same image located in a different location further comprises the process actions of locating the same image as said image in other locations, extracting all annotation data from said same image in said other locations, and annotating said image with said annotation data extracted from said image in said other location.

12. Claims 1-16 and 18 are allowed.

13. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the primary reason for allowance is that the prior art fails to teach or reasonably suggest that the process action of annotating the image with metadata associated with the same image located in a different location further comprises the process actions of locating the same image as said image in other locations, extracting all annotation data from said same image in said other locations, and annotating said image with said annotation data extracted from said image in said other location.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2612

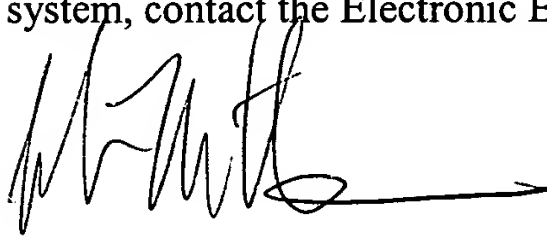
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (571) 272-7319. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Villecco
January 3, 2006



NGOC-YEN VU
PRIMARY EXAMINER